

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

IN RE: JOHNSON & JOHNSON TALCUM
POWER PRODUCTS MARKETING, SALES
PRACTICES, AND PRODUCTS LIABILITY
LITIGATION

No. 3:16-md-02738-MAS-RLS

MDL No. 16-2738 (MAS) (RLS)

**DECLARATION OF MATTHEW BUSH IN SUPPORT OF DEFENDANTS'
OBJECTIONS TO THE SPECIAL MASTER'S ORDER ON
DEFENDANTS' MOTION TO COMPEL MR. HESS'S
DEPOSITION TESTIMONY OR FOR PRECLUSIVE SANCTIONS**

I, Matthew Bush, declare as follows:

I am an attorney of the state of New York and a partner with the law firm King & Spalding LLP, counsel for Defendants Johnson & Johnson LLT Management LLC (hereafter, "Defendants") in the above-captioned matter. The facts stated in this Declaration are true of my own personal knowledge. I submit this Declaration in Support of Defendants' Objections to the Special Master's Order on Defendants' Motion to Compel Mr. Hess's Deposition Testimony or for Preclusive Sanctions.

1. Attached hereto as **Exhibit A** is a true and correct copy of an excerpt of Dr. Longo's deposition on March 5, 2019, in *Rimondi v. BASF Catalysts LLC, et al.*, No. MID-2912-17AS (N.J. Super. Ct. Middlesex Cnty.).

2. Attached hereto as **Exhibit B** is a true and correct copy of an excerpt of hearing testimony of Dr. Longo on August 24, 2018, in *Weirick v. Brenntag North America, Inc., et al.*, No. BC656425 (Super. Ct. Ca., L.A. Cnty.).

3. Attached hereto as **Exhibit C** is a true and correct copy of an excerpt of a deposition of Dr. Longo from February 8, 2021, in *Forrest v. Johnson & Johnson, et al.*, No. 1522-CC00419-02 (Cir. Ct. MO., City of St. Louis.).

4. Attached hereto as **Exhibit D** is a true and correct copy of an excerpt of a deposition of Dr. Longo from November 3, 2023, in *Eagles v. Arvinmeritor, Inc., et al.*, No. 22CV018294 (Super. Ct. Ca., Alameda Cnty.).

5. Attached hereto as **Exhibit E** is a true and correct copy of an excerpt of hearing testimony of Dr. Longo on May 29, 2024, in *Clark v. Johnson & Johnson., et al.*, No. MID-L-003809-18AS, (N.J. Super. Ct. Middlesex Cnty.).

6. Attached hereto as **Exhibit F** is a true and correct copy of Exhibit 14 to Mr. Hess's deposition, which is Dr. Longo's report dated February 28, 2023, originally submitted in *Hernandez-Valadez v. Johnson & Johnson, et al.*, No. 22CV012759 (Super. Ct. Ca., Alameda Cnty.).

7. Attached hereto as **Exhibit G** is a true and correct copy of an excerpt of a deposition of Dr. Longo from January 7, 2019, in *Rimondi v. BASF Catalysts LLC, et al.*, No. MID-L-2912-17 (N.J. Super. Ct. Middlesex Cnty.).

8. Attached hereto as **Exhibit H** is a true and correct copy of an excerpt of a deposition of Dr. Longo from September 25, 2020, in *Reyes v. Johnson & Johnson, et al.*, No. RG20052391 (Super. Ct. Ca., Alameda Cnty.).

9. Attached hereto as **Exhibit I** is a true and correct copy of an excerpt of a deposition of Dr. Longo from May 12, 2020, in *Zimmerman v. Autozone Inc., et al.*, No. BC720153 (Super. Ct. Ca., L.A. Cnty.).

10. Attached hereto as **Exhibit J** is a true and correct copy of an excerpt of a deposition of Dr. Longo from May 16, 2023, in *Streck v. Johnson & Johnson, et al.*, No. 21-CI-06290 (Jefferson Cir. Ct., Ky., Div. 4).

11. Attached hereto as **Exhibit K** is a true and correct copy of an excerpt of Dr. Longo's deposition on September 14, 2018, in *Allen v. Brentag North America, Inc., et al.*, No. DR180132, (Super. Ct. Ca., Humboldt Cnty.).

12. Attached hereto as **Exhibit L** is a true and correct copy of an excerpt of Dr. Longo's deposition on January 25, 2019, in *Young v. Johnson & Johnson, et al.*, et al., No. 1522-CC09728-02 (Cir. Ct. MO., City of St. Louis.).

13. Attached hereto as **Exhibit M** is a true and correct copy of an excerpt of Dr. Longo's deposition on February 5, 2019, in *In re: Johnson & Johnson Talcum Powder Products Marketing Sales Practices & Products Liability Litigation*, MDL No. 16-2738(FLW)(LHG) (D.N.J.).

14. Attached hereto as **Exhibit N** is a true and correct copy of an excerpt of Dr. Longo's deposition on October 30, 2023, in *Lanzo v. Cyprus AMAX Minerals Co., et al.*, No. MID-L-7385-16AS (N.J. Super. Ct. Middlesex Cnty.).

15. Attached hereto as **Exhibit O** is a true and correct copy of an excerpt of Dr. Longo's deposition on May 30, 2023, in *Zundel v. Amerilure, Inc., et al.*, No. 22-2145 (MA Super. Ct.).

16. Attached hereto as **Exhibit P** is a true and correct copy of an excerpt of Dr. Longo's deposition on April 2, 2024, in *Clark v. Johnson & Johnson, et al.*, No. MID-L-003809-18AS (N.J. Super. Ct. Middlesex Cnty.).

17. Attached hereto as **Exhibit Q** is a true and correct copy of an excerpt of Dr. Longo's deposition on February 12, 2019, in *Fong v. Imerys Talc America, et al.*, No. BC 675449, JCCP No. 4674 (Super. Ct. Ca., L.A. Cnty.).

18. Attached hereto as **Exhibit R** is a true and correct copy of an excerpt of Dr. Longo's deposition on February 20, 2024, in *Krich v. Johnson & Johnson, et al.*, No. 21STCV22952, JCCP No. 4674 (Super. Ct. Ca., L.A. Cnty.).

19. Attached hereto as **Exhibit S** is a true and correct copy of an excerpt of Dr. Longo's deposition on July 23, 2019, in *Hayes v. Colgate-Palmolive Co., et al.*, No. 16-CI-03503 (Jefferson Cir. Ct., Ky., Div. 10).

20. Attached hereto as **Exhibit T** is a true and correct copy of an excerpt of Dr. Longo's deposition on June 27, 2018, in *Salzen v. American International Industries, Inc., et al.*, No. BC680576, JCCP 4674 (Super. Ct. Ca., L.A. Cnty.).

21. Attached hereto as **Exhibit U** is a true and correct copy of an excerpt of Dr. Longo's deposition on April 17, 2019, in *Weirick v. Brenntag North America, Inc., et al.*, No. BC656425, JCCP 4674 (Super. Ct. Ca., L.A. Cnty.).

22. Attached hereto as **Exhibit V** is a true and correct copy of an excerpt of Dr. Longo's deposition on September 15, 2023, in *Alexander-Jones v. Avon Products, Inc., et al.*, No. 22-2-18669-1-SEA, (Super. Ct. Wash., King Cnty.).

23. Attached hereto as **Exhibit W** is a true and correct copy of the transcript of Mr. Hess's deposition that took place July 10, 2024.

24. Attached hereto as **Exhibit X** is a true and correct copy of Exhibit 8 to Mr. Hess's deposition, which is a demonstrative with an image Dr. Longo took of RT Vanderbilt Talc compared to an image from Dr. Longo's Zimmerman report at 39.

25. Attached hereto as **Exhibit Y** is a true and correct copy of Exhibit 23 to Mr. Hess's deposition, which is a demonstrative with an image of talcum powder brought up to maximum illumination by Defense Expert Dr. Su.

26. Attached hereto as **Exhibit Z** is a chart of each instance Mr. Hess was instructed not to answer a question at his July 10, 2024 deposition.

27. Attached hereto as **Exhibit AA** is a true and correct copy of ISO 22262-1, titled “Air quality – Bulk materials – Sampling and qualitative determination of asbestos in commercial bulk materials” published in 2012.

28. Attached hereto as **Exhibit BB** is a true and correct copy of an excerpt of Dr. Longo’s deposition on May 7, 2021, in *Powers v. Beacon CMP Corp., et al.*, No. 2016-0983 (Parish of Lafayette, La., 15th District).

29. Attached hereto as **Exhibit CC** is a true and correct copy of an excerpt of Dr. Longo’s deposition on January 13, 2023, in *Weiss v. Albertsons Cos., et al.*, No. CV2021-090946 (Super. Ct. Az., Maricopa Cnty.).

30. Attached hereto as **Exhibit DD** is a true and correct copy of Exhibit 25 to Mr. Hess’s deposition, which is the reference chrysotile MAS and Dr. Hess use to “identify” asbestos in talcum powder products.

31. Attached hereto as **Exhibit EE** is a true and correct copy of Exhibit 27 to Mr. Hess’s deposition, which is a demonstrative with an image from an MAS Calidria Reference sample (see Ex. I) and an image from the *Valadez* report.

32. Attached hereto as **Exhibit FF** is a true and correct copy of an excerpt of Dr. Longo’s deposition on April 21, 2021, in *Prudencio v. Johnson & Johnson, et al.*, No. 2016-0983 (Super. Ct. Ca., Alameda Cnty.).

33. Attached hereto as **Exhibit GG** is a true and correct copy of Exhibit 17 to Mr. Hess's deposition, which is a demonstrative with an image from Dr. Longo's *Valadez* report and a reference image of chrysotile in ISO 22262-1.

34. Attached hereto as **Exhibit FF** is a true and correct copy Exhibit 6 to Mr. Hess's deposition, which is Dr. Longo's report dated February 24, 2020 originally submitted in in *Zimmerman v. AutoZone Inc., et al.*, No. BC720153, JCCP No. 4674 (Super. Ct. Ca., L.A. Cnty.).

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: August 20, 2024



MATTHEW L. BUSH